



Order Filed on February 13, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

DAMIEN NICHOLAS TANCREDI, ESQUIRE (DT 1383)
FLASTER/GREENBERG P.C.
1810 Chapel Avenue West
Cherry Hill, NJ 08002-4609
(215) 587-5675
Counsel for Debtors-in-Possession,

In Re:

SMS Enterprises, Inc.¹

Debtor.

Honorable Andrew B. Altenburg, Jr.

Chapter 11

Bankr. No. 19-21332 (ABA)

Jointly Administered

**ORDER GRANTING ALLOWANCES AND GRANTING MOTION FOR POST-
PETITION RETAINER IN PART**

The relief set forth on the following page is hereby ORDERED.

DATED: February 13, 2020



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

¹ The Debtors in these jointly administered cases, along with the associated case numbers, are *SPS Enterprises, Inc.*, Case No. 19-21330, *ETA Enterprises, Inc.*, Case No. 19-21331, and *SMS Enterprises, Inc.*, Case No. 19-21332.

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SMS Enterprises, Inc. *et al.*

Case No. 19-21332

Order Granting Allowances and Granting Motion for Post-Petition Retainer in Part

The Court having found that the person(s) named below filed application(s) for allowances (the “Fee Application”); and Richard Gerace having file a Motion for an Order Approving Retention of a Post-Petition Retainer (the “Retainer Motion”); and notice for opportunity for hearing were given to creditors and other parties in interest as required; and it appearing that Richard Gerace collectively received \$50,000.00 in retainer payments from the Debtors; from the and for good cause shown; it is ORDERED;

1. The Fee Application is Granted in Part and Denied in Part.
2. Richard Gerace is allowed \$8,849.49 in compensation.
3. Richard Gerace is allowed \$24,150.51 in expenses.
4. Richard Gerace shall pay the sum of \$17,000.00 to the Debtors’ estate, in care of their counsel, within five (5) business days of the entry of this Order. This sum shall be apportioned equally between the three Debtors.
5. Richard Gerace, and any other person or entity on his behalf, hereby waives his/ their rights to seek any additional compensation from the Debtor and/or the Debtors’ estates.
6. The Retainer Motion is Granted to the extent required to facilitate the payments specified in this Order. The Retainer Motion is Denied in all other respects.

Imaged Certificate of Notice Page 3 of 3

United States Bankruptcy Court
District of New JerseyIn re:
SMS Enterprises Inc.
DebtorCase No. 19-21332-ABA
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 2

Date Rcvd: Feb 13, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 15, 2020.

db	+SMS Enterprises Inc.,	P.O. Box 588,	Marlton, NJ 08053-0588
aty	+Flaster/Greenberg P.C.,	Commerce Centr,	1810 Chapel Avenue West, Third Floor,
		Cherry Hill, NJ 08002-4606	

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 15, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 13, 2020 at the address(es) listed below:

Damien Nicholas Tancredi	on behalf of Debtor	ETA Enterprises, Inc.
damien.tancredi@flastergreenberg.com,		damien.tancredi@ecf.inforuptcy.com
Damien Nicholas Tancredi	on behalf of Debtor	SPS Enterprises, Inc.
damien.tancredi@flastergreenberg.com,		damien.tancredi@ecf.inforuptcy.com
Damien Nicholas Tancredi	on behalf of Debtor	SMS Enterprises Inc.
damien.tancredi@flastergreenberg.com,		damien.tancredi@ecf.inforuptcy.com
Daniel P. Bernstein	on behalf of Creditor	Covenant Bank d.p.bernstein1@gmail.com
David Banks	on behalf of Creditor	Covenant Bank bbwlaw@yahoo.com
Denise E. Carlon	on behalf of Creditor	Toyota Lease Trust dcarlon@kmlawgroup.com,
bkggroup@kmlawgroup.com		
E. Richard Dressel	on behalf of Debtor	SMS Enterprises Inc. rdressel@lexnovalaw.com
E. Richard Dressel	on behalf of Debtor	SPS Enterprises, Inc. rdressel@lexnovalaw.com
E. Richard Dressel	on behalf of Debtor	ETA Enterprises, Inc. rdressel@lexnovalaw.com
Jeffrey M. Sponder	on behalf of U.S. Trustee	U.S. Trustee jeffrey.m.sponder@usdoj.gov,
jeffrey.m.sponder@usdoj.gov		
Jeffrey M. Sponder	on behalf of Debtor	SPS Enterprises, Inc. jeffrey.m.sponder@usdoj.gov,
jeffrey.m.sponder@usdoj.gov		
Jeffrey N. Medio	on behalf of Creditor	Vineland Municipal Utilites jmedio@mediolawfirm.com
Judith Carol Arnold	on behalf of Creditor	Buena Realty, LLC f/k/a Mr. and Mrs. John Caselli
jarnold@grucciopepper.com,		jmorvay@grucciopepper.com
Judith Carol Arnold	on behalf of Creditor	Maintree Shopping Center, L.P., Landlord
jarnold@grucciopepper.com,		jmorvay@grucciopepper.com
Julie M. Murphy	on behalf of Creditor	Maintree Shopping Center, L.P. murphy@hylandlevin.com
Paul W. Verner	on behalf of Debtor	ETA Enterprises, Inc. pwverner@vernerlaw.com
Paul W. Verner	on behalf of Debtor	SPS Enterprises, Inc. pwverner@vernerlaw.com
Paul W. Verner	on behalf of Attorney	Paul William Verner pwverner@vernerlaw.com
Raymond M. Patella	on behalf of Interested Party	Cape Atlantic Food Services, LLC
rpatella@kraemerburns.com		
Richard J. Gerace	on behalf of Debtor	SMS Enterprises Inc. rgerace14@comcast.net
Stephen McNally	on behalf of Creditor	Buena Realty, LLC f/k/a Mr. and Mrs. John Caselli
smcnally@cmsfirm.com,		lburgo@cmsfirm.com;jlong@cmsfirm.com;pbellino@cmsfirm.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov	

TOTAL: 22